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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,227	04/22/2004	Satoshi Muramatsu	252051US3 CONT	7127

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EXAMINER

GLEITZ, RYAN M

ART UNIT PAPER NUMBER

2852

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No:

10/829,227

Applicant(s)

MURAMATSU ET AL.

Examiner

Ryan Gleitz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13, 15-22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) 9-12, 17, 18, 21, 29 and 30 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 15, 16, 19, 20, 22, 24-26, 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/10/06
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito (US 5,150,162).

Saito et al. disclose a developer container storing powder developer including a sleeve (84) as a mouth member having a developer outlet from which developer is discharged, as shown by figure 10A. Packing (85) is a shutter including a shutter member for closing the developer outlet, and all components of the shutter (85) are provided completely outside of the mouth member (84). The developer outlet is formed at an angle to the direction of gravity, as shown by figure 10A. Screw (83) is a member attached to the shutter member (85) and configured to move the shutter member (85) between an open and closed position.

Regarding claim 28, figure 4 illustrates an image carrier (24) and a developing device (43a).

Claims 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. (US 6,118,951).

Kato et al. disclose a mouth member, for example the neck of the bottle near outlet (23) shown in figure 6, a shutter member (7a), and a member (15) attached to shutter member (7a) and configured to move the shutter member (7a) between an open position and a closed position.

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Also shown in figure 6, all components of the shutter [and of the member attached to the shutter member] are provided completely outside of the mouth member, and developer outlet (23) is formed at an angle to the direction of gravity.

Regarding claim 28, figure 2 shows an image carrier (131) and a developing device (106).

Response to Arguments

Applicant's arguments, see p. 14, filed 23 May 2006, with respect to claim 33 have been fully considered and are persuasive. The rejection of claim 33 has been withdrawn.

Applicant's arguments with respect to claims 27 and 28 have been considered but are moot in view of the new grounds of rejection.

Regarding the newly presented limitations in claims 27 and 28 with respect to Saito, Applicant seems to argue, see p. 13, that Saito does not disclose that the member attached to the shutter member for moving the shutter member is completely outside of the mouth member. However, this limitation is not found in the claims.

Allowable Subject Matter

Claims 13, 15, 16, 19, 20, 22, 24-26, and 31-33 are allowed.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'DAVID M. GRAY', enclosed within a large, loopy oval shape.

DAVID M. GRAY
SUPERVISORY PATENT EXAMINER